

**In The Drawings:**

Please enter new Figure 2 as per the attached.

## REMARKS

The Office Action dated November 17, 2004 has been fully considered by the Applicant.

Attached is a Request for Two-Month Extension of Time and a check in the amount of \$450 for payment of the Extension.

Claims 1-7 are currently amended. Claims 8 and 9 have been previously canceled.

Examiner Blair has requested a new title. The title herein has been amended as requested.

The specification has been objected to because of header informalities. Applicants direct the Examiner to the Preliminary Amendment filed March 21, 2001 wherein headers were added to the specification. However, Applicants have further currently amended the specification to include non-applicable headers, such as "Statement Regarding Federally Sponsored Research" and "Development and Incorporation-By-Reference of Material Submitted On a Compact Disc".

The drawings have been objected to under 37 CFR 1.83(a). Attached is a new Figure 2 illustrating Applicants' invention. No new matter has been added.

Claims 1 and 4 have been rejected under 35 USC 102(e) as being anticipated by United States Patent No. 6,185,623 to Bailey et al. Claim 1 has been currently amended to more clearly define that Applicants' invention is directed toward a data transfer network comprising a trivial file transfer protocol server connected to transfer data to a series of client apparatus connected to the network; a master client being designated; a rate of transfer of data being determined by the speed of requests for data from the master client to all of the clients, the rate of transfer of data being monitored and compared with a predetermined data transfer rate, and if the transfer rate is slower than the predetermined data transfer rate, a new master client apparatus is elected by the trivial file transfer protocol server. The '623 Bailey et al patent does not include all of Applicants' features. Therefore, Applicants respectfully request reconsideration of the rejection.

One of the disadvantages of the Bailey et al '623 patent is that the network system must reach a state of network failure before it resets the master client. This network failure problem is solved in Applicants' invention since the rate of transfer of data is monitored and compared with a predetermined rate and if the rate of transfer of data falls below the predetermined rate then a new master client is designated thereby preventing a network failure. Determining when a new master client is required based on a comparison of the rate of data transfer with a predetermined rate is not taught or suggested in the '623 Bailey et al patent. Therefore, Applicants believe claim 1 is novel over the '623 Bailey et al patent.

Claims 2-3 and 5-7 have been rejected under 35 USC 103(e) as being unpatentable over United States Patent No. 6,185,623 to Bailey et al in view of United States Patent No. 5,727,002 to Miller et al. Applicants believe that claims 2-3 and 5-7 which depend upon independent claim 1 are clearly novel over the cited references as stated herein and respectfully request reconsideration of the rejection.

The '002 Miller et al patent is directed toward a network system for transmitting data to multiple clients wherein failed packets are re-sent. A database is provided to log the failure rates of particular clients to determine an acceptable data transfer rate. However, as in the '623 Bailey et al patent, the rate chosen is dependent upon the failure of the network by packet loss rather than measurement of the transfer rate of data, as in Applicants' invention. Therefore, Applicants believe that claims 2-3 and 5-7 which depend upon claim 1 are novel over both the '623 Bailey et al patent and the '002 Miller et al patent.

In summary, Applicants believe that currently amended claim 1 and dependent claims 2-7 are novel and are nonobviously over the cited references since Applicants provide a data transfer network that monitors and compares the rate of data transfer with a predetermined data transfer rate

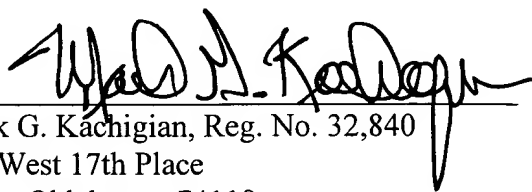
to determine if and when a new master client is needed. Neither the '623 Bailey et al nor the '002 Miller et al patents provide a network system that can determine when and if a new master client is needed based on a comparison between a predetermined data transfer rate and the rate of data transfer. This feature is novel to Applicants' invention. Therefore, Applicants sincerely request reconsideration of the rejections.

It is believed that the foregoing is fully responsive to the outstanding Office Action. It is submitted that the application is now in condition for allowance and such action is earnestly solicited. If, for any reason, the claims are not in condition for allowance it is because of a mistake or a misunderstanding of the Office Action and, in such case, Examiner Blair is invited to call the undersigned at (918) 587-2000 so that any remaining amendments to place the application in condition for allowance can hopefully be achieved in a telephone interview. If any additional fees are associated with this action, please charge deposit Account No. 08-1500.

Respectfully Submitted

HEAD, JOHNSON & KACHIGIAN

Dated: 28 March 2005  
Customer No. 24,118  
Phone No. 918-587-2000

By:   
Mark G. Kachigian, Reg. No. 32,840  
228 West 17th Place  
Tulsa, Oklahoma 74119  
Attorneys for Applicant